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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,198	05/03/2001	Deborah Ann Haitko	RD-28698	6436

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EXAMINER

COLON, GERMAN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/847,198	HAITKO ET AL. <i>M</i>
	Examiner German Colón	Art Unit 2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM  
**THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 January 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4, 6-12 and 14-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 8 and 16 is/are allowed.  
 6) Claim(s) 1, 2, 6, 7, 9, 10, 14 and 15 is/are rejected.  
 7) Claim(s) 3, 4, 11 and 12 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. The Amendment, filed on January 22, 2003, has been entered and acknowledged by the Examiner.
2. Cancellation of claims 5, 13 has been entered.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 6 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. Claims 6 and 14, depend on canceled claims 5 and 13, respectively.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 6, 7, 9, 10, 14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over De Vrijer (US 4,319,157) in view of De Maagt et al. (US 5,986,405).

De Vrijer discloses a mercury vapor discharge lamp but is silent regarding the limitation of said lamp comprising a silver salt or a gold salt in a concentration range between 0.1 mg and about 30 mg per lamp. However, in the same field of endeavor, De Maagt discloses a high pressure vapor lamp comprising an silver salt as an oxygen dispenser with the purpose of decreasing blackening of the phosphor coatings, therefore, increasing the luminosity of the lamp (see Col. 1, lines 44-45, and Col. 2, lines 64-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a silver salt oxygen dispenser to the lamp of De Vrijer, in order to decrease blackening of the phosphor coatings and to increase the luminosity of the lamp.

De Vrijer – De Maagt is silent in regards to the limitation of silver salt being in a concentration range between 0.1 mg and about 30 mg per lamp. However, De Maagt teaches that the amount of silver oxide is not critical; the amount may be influenced by the dimensions of the lamp, its production process and the presence of coatings inside the envelope (see Col. 3, lines 56-60). Accordingly, it is consider within De Maagt teachings that the determination of any specific range can be obtained by undue experimentation. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the silver salt in a range between 0.1 mg to about 30 mg, since De Maagt teaches the determination of any specific range can be obtained by experimental procedures.

Regarding claim 2, De Vrijer-De Maagt discloses the silver salt being silver oxide (see '405, Col. 5, line 30).

Regarding claim 6, claim 6 is rejected over the same reasons stated in the rejection of claim 1.

Referring to claim 7, De Vrijer-De Maagt discloses a mercury discharge lamp comprising an amount of silver salt. The Examiner notes that the recitation "the silver salt or gold salt prevents the interaction of elemental mercury with ferric and cupric compounds which oxides elemental mercury to a soluble form" has not been given patentable weight because is considered an intended used recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Regarding claim 9, De Vrijer-De Maagt discloses a method for providing a mercury vapor discharge lamp comprising an amount of silver salt in a concentration range between 0.1 mg and about 30 mg. The same reasons for combining stated in claim 1 apply.

Regarding claim 10, De Vrijer-De Maagt discloses the silver salt being silver oxide ('405, see Col. 5, line 30).

Regarding claim 14, claim 14 is rejected over the same reasons stated in the rejection of claim 9.

Referring to claim 15, De Vrijer-De Maagt discloses a mercury discharge lamp comprising an amount of silver salt. The Examiner notes that the recitation "the silver salt or gold salt prevents the interaction of elemental mercury with ferric and cupric compounds which oxides elemental mercury to a soluble form" has not been given patentable weight because is considered an intended used recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the

claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

***Allowable Subject Matter***

7. Claims 8 and 16 are allowed.
8. Claims 3, 4, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter:

The Examiner notes that the Prior Art of Record (see US 5,986,405 or US 5,972,442) teaches a mercury vapor discharge lamp comprising a silver salt or a gold salt.

Regarding claim 3, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 3, and specifically comprising the limitation of “the silver salt being silver carbonate”.

Regarding claim 4, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 4, and specifically comprising the limitation of “the gold salt comprises gold carbonate, gold halide, gold oxide, gold sulfide, gold acetate, or combinations thereof”.

Regarding claim 8, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 8, and specifically comprising the limitation of "a silver carbonate in a range between about 10 mg and about 30 mg per lamp".

Referring to claim 11, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 11, and specifically comprising the limitation of "the silver salt being silver carbonate".

Referring to claim 12, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 12, and specifically comprising the limitation of "the gold salt comprises gold carbonate, gold halide, gold oxide, gold sulfide, gold acetate, or combinations thereof".

Regarding claim 16, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 16, and specifically comprising the limitation of "a silver carbonate in a range between about 10 mg and about 30 mg per lamp".

#### ***Response to Arguments***

10. Applicant's arguments filed January 22, 2003 have been fully considered but they are not persuasive.

Applicant argues that the high pressure discharge lamp of De Maagt is not a mercury vapor discharge lamp and that a mercury vapor discharge lamp is commonly referred to as a fluorescent lamp.

The Examiner notes that the claims are related to a *mercury vapor discharge lamp*. The lamp of De Maagt (now De Vrijer-De Maagt) is a high pressure *mercury vapor discharge lamp*.

Among discharge lamps, it is well known in the art two different groups: (1) low intensity discharge, such as compact fluorescent, fluorescent (low pressure mercury vapor discharge lamps) and low pressure sodium lamps; and (2) high intensity discharge, such as mercury vapor, metal halide and high pressure sodium lamps. The Examiner concurs with applicant in that high pressure discharge lamps are distinguished from fluorescent lamps as they operated at higher pressures and involve differing means of providing illumination, however, as stated above, the claims are limited to mercury vapor discharge lamps, *not* low pressure mercury vapor discharge lamps.

***Prior Art of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Johnson, in U.S. Patent No. 4,469,980, discloses a fluorescent lamp wherein the discharge medium comprises a silver halide.

Ito, in JP 04-245162, discloses a low pressure mercury vapor discharge lamp comprising a film layer having grains of silver oxide.

Takeda et al., in JP 61-240526, discloses a method of manufacturing fluorescent lamps comprising silver oxide.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 703-305-5987. The examiner can normally be reached on Monday thru Friday, from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 703-305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7382 for regular communications and 703-308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

AC  
gc

April 5, 2003



ASHOK PATEL  
PRIMARY EXAMINER